IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 17818 of 2004

Between:

M.Mallamma W/o.Sri M.Sudheer
of Marepally Grampanchayat Mandal Kondapur, Meak District.

..... PETITIONER

AND

1 Government of A.P. rep. by its Prl. Secretary for Panchayat Raj Secretariat, Hyderabad A.P.
2 The District Collector (Panchayat Wing) Medak at Sangareddy.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction more particularly in the nature of writ of Certiorari call for the records relating to the proceedings passed by the 2nd respondent vide proceedings show cause notice No.1378/02/A2/-Pts dt.31.8.2004 passed against the petitioner herein and quash the same by holding the same as illegal, arbitrary and unconstitutional and violation of principals of natural justice and consequentially direct the respondents to continue the petitioner as Sarpanch of Marrepally Village, Kondapur Mandal Medak District with all consequential benefits including cheque power in the interest of justice.

Counsel for the Petitioner:MS.M.SEETHA DEVI

Counsel for Respondents 1 and 2: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

ORDER:

The petitioner, who was elected as Sarpanch, was served with a show cause notice, dated 10-03-2004, issued by the 2nd respondent-District Collector, (Panchayat Wing), wherein it was directed to show cause, as to why she should not be removed from the service for committing misappropriation of funds. Even after receipt of the said show cause notice, the petitioner failed to submit her explanation, nor produced any relevant records. Hence, through another notice, dated 11-07-2004, an opportunity was given to her to submit the relevant records. The petitioner submitted her reply, dated 05-08-2004, requesting 15 days time for enabling her to produce the records. However, she has not submitted any records. In view of the same, the respondent removed the petitioner from the post of Sarpanch, holding that the allegations levelled against her in the show cause notice, with regard to the misappropriation of funds, are treated as proved. Aggrieved thereby, the petitioner made a representation to the 1st respondent-appellate authority, requesting to grant stay of the operation of the impugned order, dated 31-08-2004, and filed the present writ petition to set aside the same.

It is not in dispute that the petitioner made a representation to the 1st respondent. If she is having all the records with her, she can submit the same to the appellate authority. When the representation filed by the petitioner is pending before the 1st respondent-appellate authority, it is for the 1st respondent to consider the same and pass appropriate orders in accordance with law. Therefore, I see no grounds to entertain the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

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A.GOPAL REDDY,J

Dated:04-10-2004

GJ

To

1 The Principal Secretary, Government of A.P., Panchayat Raj Secretariat, Hyderabad A.P.
2 The District Collector (Panchayat Wing) Medak at Sangareddy.

3. Two C.Cs. to the Government Pleader for Panchayat Raj and Rural Development, High Court of A.P., Hyderabad.(OUT)

4. Two C.D. copies.